

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

MAR 09 2000

Judge
THOMAS F. HOGAN

In re: Vitamins Antitrust Litigation

MDL No. 1285

Misc. No. 99-0197 (TFH)

THIS DOCUMENT RELATES TO:

The Proctor & Gamble Company, et al. v.
BASF Aktiengesellschaft, et al.,
Case No. C-1-99-787 (S.D. Oh.)

FILED

MAR 9 - 2000

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

~~PROPOSED~~ STIPULATION AND ORDER REGARDING
BRIEFING SCHEDULE FOR RESPONSES TO THE COMPLAINT

Plaintiffs in the above-captioned case ("Plaintiffs") have purportedly effected service on Defendants Eisai Co., Ltd. ("ECL") and Takeda Chemical Industries, Ltd. ("TCI") (together the "Foreign Defendants"). On January 24, 2000, Defendants F. Hoffmann-La Roche Ltd. and BASF AG filed motions to dismiss the complaints in certain related cases limited exclusively to the following preliminary legal issue: Whether personal jurisdiction should be measured by local contacts with the transferor forum ("Local Contacts") or national contacts with the United States as a whole ("National Contacts") (hereinafter the "Jurisdiction Issue"). Briefing by defendants F. Hoffmann-La Roche Ltd., BASF AG and Rhone-Poulenc S.A. on the Jurisdiction Issue will be complete on March 3, 2000. Oral argument on motions to dismiss the complaint in Cargill, Inc., et al. v. F. Hoffmann-La Roche, Ltd., et al., Case No. 99-CV-5167, that were filed by defendants F. Hoffmann-La Roche Ltd., BASF AG and Rhone-Poulenc S.A. is currently scheduled for March 16, 2000. The Jurisdiction Issue will also be addressed during the March 16, 2000 oral argument by the parties that have completed briefing that issue. The parties believe that it would be more efficient for the Court and for the parties if the Foreign Defendants

answer, move against or otherwise respond to the complaint in the above-captioned matter as set forth below.

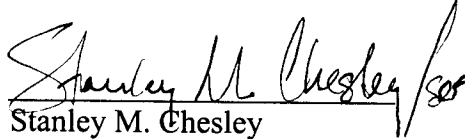
IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the undersigned parties, that:

The Foreign Defendants' time to answer, move against or otherwise respond to the complaint in the above-captioned matter shall be extended to and including thirty (30) days after this Court's resolution of the Jurisdiction Issue. The Foreign Defendants' agree to be bound by the Court's resolution of the Jurisdiction Issue, except that the Foreign Defendants' reserve the right to appeal the Court's resolution of the Jurisdiction Issue should the Court determine that personal jurisdiction should be measured by a test other than "Local Contacts." This stipulation is not intended to waive and does not waive any defenses, including the defenses of lack of jurisdiction and insufficiency of service of process or any right of any party to appeal any ruling by the District Court.

Dated: New York, New York
March 8, 2000

Respectfully submitted by,

WAITE, SCHNEIDER, BAYLESS
& CHESLEY CO., L.P.A.

By: 
Stanley M. Chesley
Robert A. Steinberg
Robert Heuck II
1513 Fourth & Vine Tower
One West Fourth Street
Cincinnati, Ohio 45202
(513) 621-0267

*Counsel for Plaintiffs The Proctor
& Gamble Company, et al.*

SULLIVAN & CROMWELL

By: /see

Stacey R. Friedman

125 Broad Street
New York, New York 10004
(212) 558-7271

Counsel for Defendant Eisai Co., Ltd.

SQUADRON, ELLENOFF, PLESENT
& SHEINFELD, LLP

By: /see

Lawrence Byrne

551 Fifth Avenue
New York, New York 10176
(212) 661-6500

*Counsel for Defendant
Takeda Chemical Industries, Ltd.*

SO ORDERED:



THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

March 9, '00